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Application Ref: 4482/APP/2022/213

## **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

### **GRANT OF PLANNING PERMISSION**

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **GRANTS** permission for the following:

#### **Description of development:**

Erection of three storey mixed use retail and 9 residential apartments with ancillary parking, amendments to dropped kerbs, refuse and bicycle storage, following the demolition of existing buildings.

**Location of development:** 152 - 154 Uxbridge Road Hayes

**Date of application:** 24th January 2022

**Plan Numbers:** See attached Schedule of plans

**Permission is subject to the condition(s) listed on the attached schedule:-**

**Head of Development Management and Building Control**

**Date:** 1st May 2025

**NOTES:**

- (i) Please also see the informatics included in the Schedule of Conditions.
- (ii) Should you wish to appeal against any of the conditions please read the attached sheet which explains the procedure.
- (iii) This decision does not convey any approval or consent which may be required under any by-laws, building regulations or under any Act other than the Town and Country Planning Act 1990 (as amended).

# **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

## **GRANT OF PLANNING PERMISSION**

Application Ref: 4482/APP/2022/213

### **SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans numbers:

5005\_200 Rev P7  
5005\_201 Rev P8  
5005\_202 Rev P8  
5005\_203 Rev P7  
887- LA-P-01 REV B  
887- LA-P-02 REV C  
5005\_402 Rev P2  
5005\_400 Rev P8  
5005\_401 Rev P8  
5005\_101 Rev P3

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

- 3 The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Air Quality Assessment - 215516AQA  
241121 Noise impact assessment  
215516DRA FRA and SUDs Report  
215516TRA Transport Assessment  
Landscape Strategy January 2022  
21CLR5516NH Land contamination assessment  
87 - REV B Urban Greening Statement

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

- 4 No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail:
  - a) The phasing of development works

- b) Types of vehicles accessing the site, including their ability to enter the shared driveway without affecting neighbouring properties
- c) The hours during which development works will occur
- d) How vehicles will access the site whilst protecting neighbouring sites
- e) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- f) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours)
- g) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process
- h) The storage of demolition/construction materials on site

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To ensure the development causes no harm to the local highways network or pedestrian and road user safety and to safeguard the amenity of surrounding areas in accordance with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020), as well as Policies D3 and T6 of the London Plan (2021).

5 The south facing ground floor window of Flat 00\_01 (facing the communal car park) and all north facing windows of Flats 00\_01, 01\_01 and 02\_01 (facing No.2 Brookside Road) shall be glazed with obscure glass to at least scale 4 on the Pilkington scale and be non-opening except at top vent level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6 The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include an evacuation lift designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999, as shown on the approved plans.

#### REASON

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with London Plan Policies D5 and D12.

7 The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

#### REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

8 No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

9 No development above ground level shall take place until details of all materials and external surfaces (associated with the proposed development) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

10 No development above ground level shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

#### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100)

1.b Written specification of planting and cultivation works to be undertaken

1.c Schedule of plants giving species (including pollution absorbing plants), plant sizes, and proposed numbers/densities where appropriate

#### 2. Details of Hard Landscaping

2.a Refuse Storage (including dimensions and material finishes)

2.b Secure and enclosed cycle Storage units capable of storing 18 long stay cycles (including dimensions and material finishes), details of 2 short stay cycles spaces to be provided on site

2.c Means of enclosure/boundary treatments

2.d Hard Surfacing Materials and Car Parking Layouts (including the provision of 2 active electric vehicle charging points and 7 passive electrical vehicle charging points)

2.e External Lighting

2.f Other structures

#### 3. Living Walls and Roofs

3.a Details of the inclusion of living walls and roofs

#### 4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 5. Schedule for Implementation

#### 6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

11 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be

undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

#### REASON

To ensure that the proposed works, in close proximity to underground sewerage utility infrastructure, will not adversely impact / cause failure of local underground sewerage utility infrastructure in accordance with Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

12 The hereby approved retail premises shall only be used for retail purposes (Use Class E(a)) between the hours of:

0800 to 2300 Monday - Friday

0800 to 2300 Sundays

1000 to 2200 on Public or Bank Holidays

#### REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

13 Notwithstanding the approved drawings, prior to the occupation of the hereby approved dwellings, details of the siting, design and materials of all privacy screens to balconies and external walkways shall be submitted to and approved in writing by the Local Planning Authority. Furthermore design and material finish details of privacy screens to be installed on all external balconies situated on the north facing elevation of the building shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the screens shall be installed as per the consented details prior to the first occupation of the development here by approved and the privacy screens shall be retained on site for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties and to protect the privacy of occupiers of the flats in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

14 For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs 0700-2300 and 30 dB LAeq 8 hrs 2300-0700 measured inside any habitable room of any permitted dwelling having regard to the guidance set out in British Standards 8233: 2014 and 4142: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.'

#### REASON

To protect adjoining properties from adverse noise impacts in accordance with Policy D14 of the London Plan (2021) and paragraph 135 of the NPPF (2023).

15 Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policies DMEI 11 and DMEI 12 of The Local Plan: Part 2 - Development Management

Policies (2020).

16 No development shall commence until proof that the mechanical ventilation approved by the LA (in condition above) has been installed at the premises with the systems / filters required to extract NOx/NO2 from outdoor ambient air and secure indoor NO2 levels below 36ug/m3 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the use/operation commences and be thereafter maintained.

#### REASON

As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), Policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) Policy SI1 and T4, and the National Planning Policy Framework (2023).

17 A. No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

B. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>"

#### REASON

To reduce the developments impact on air quality in accordance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy, Policy EM8 of the Local Plan: Part 1 (November 2012), Policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, and London Plan (2021) Policies SI1 and T4.

18 Notwithstanding any of the hereby approved plans and prior to the commencement of the hereby approved development, a plan should be submitted which demonstrates that the new vehicle accesses (as well as crossovers) would comply with the London Borough of Hillingdon Domestic Vehicle Crossover Policy 2022. Furthermore details of how all redundant crossovers will be reinstated as footpaths shall be submitted.

Thereafter the accesses and footpaths shall be constructed in accordance with the approved plans and maintained throughout the life time of the development.

#### REASON

To ensure that the local highways network is protected from adverse impacts in compliance with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policy T6 of the London Plan (2021).

19 No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management and water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and

- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. Provide details of water collection facilities to capture excess rainwater;
- v. Provide details of how rain and grey water will be recycled and reused in the development;
- vi. Provide details of how the dwellings will achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policies SI2 and SI 13 of the London Plan (2021).

20 Prior to above ground level works, an updated Fire Strategy shall be submitted to and approved in writing by the Local Planning Authority. The updated Fire Strategy shall include details of the materials to be used to construct the development. The development shall thereafter be completed in accordance with the approved updated Fire Strategy.

#### REASON

To ensure that the development meets Fire Safety Standards in accordance with Policy D12 of the London Plan (2021).

## INFORMATIVES

- 1 The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingdon.gov.uk](mailto:planning@hillingdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

- 3 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the

following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 4 The development requires the installation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.
- 5 Appropriate testing, demolition and/or removal of any asbestos containing material (ACM) should be carried out strictly in accordance with guidance from the Health and Safety Executive.
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team and application forms should be completed on line.

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

#### Part 1 Policies

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

#### Part 2 Policies

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 2 Reducing Carbon Emissions

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

- DMH 2      Housing Mix
- DMHB 11     Design of New Development
- DMHB 12     Streets and Public Realm
- DMHB 14     Trees and Landscaping
- DMHB 15     Planning for Safer Places
- DMHB 16     Housing Standards
- DMHB 17     Residential Density
- DMHB 18     Private Outdoor Amenity Space
- DMT 1       Managing Transport Impacts
- DMT 2       Highways Impacts
- DMT 5       Pedestrians and Cyclists
- DMT 6       Vehicle Parking
- LPP E9       (2021) Retail, markets and hot food takeaways
- LPP SD7      (2021) Town centres: development principles and Development Plan Documents
- NPPF11 -     NPPF11 23 - Making effective use of land  
23
- NPPF12 -     NPPF12 23 - Achieving well-designed and beautiful places  
23
- NPPF2 -23    NPPF2 2023 - Achieving sustainable development
- NPPF4 -23    NPPF4 23 - Decision making
- NPPF5 -23    NPPF5 23 - Delivering a sufficient supply of homes
- NPPF6 -23    NPPF6 23 - Building a strong, competitive economy
- NPPF9 -23    NPPF9 23 - Promoting sustainable transport
- LPP D1       (2021) London's form, character and capacity for growth
- LPP D3       (2021) Optimising site capacity through the design-led approach
- LPP D4       (2021) Delivering good design
- LPP D5       (2021) Inclusive design
- LPP D6       (2021) Housing quality and standards
- LPP D7       (2021) Accessible housing

- LPP H1 (2021) Increasing housing supply
- LPP H2 (2021) Small sites
- LPP SI12 (2021) Flood risk management
- LPP SI13 (2021) Sustainable drainage
- LPP SI2 (2021) Minimising greenhouse gas emissions
- LPP T5 (2021) Cycling
- LPP T6 (2021) Car parking
- LPP T6.1 (2021) Residential parking
- DMTC 3 Maintaining the Viability of Local Centres and Local Parades
- DMTC 4 Amenity and Town Centre Uses

## **END OF SCHEDULE**

**Address:**

Development Management

Directorate of Place

Hillingdon Council

3 North, Civic Centre, High Street, Uxbridge UB8 1UW

[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

# GRANT OF PLANNING PERMISSION

Application Ref: 4482/APP/2022/213

## SCHEDULE OF PLANS

215516DRA FRA and SUDs Report - received 24 Jan 2022  
215516TRA Transport Assessment - received 24 Jan 2022  
215561WMSWater Management Statement - received 24 Jan 2022  
Fire Statement Rev 2 December 2021 - received 24 Jan 2022  
5005\_DAS V1.0.P3 - received 24 Jan 2022  
Landscape Strategy January 2022 - received 24 Jan 2022  
215516AQAAir quality assessment - received 24 Jan 2022  
21CLR5516NH Land contamination assessment - received 24 Jan 2022  
Daylight Assessment 215516DAY Rev1 - received 24 Jan 2022  
241121 Noise impact assessment - received 24 Jan 2022  
Planning Statement December 2021 - received 24 Jan 2022  
887 - REV B Urban Green Statement - received 19 Sep 2024  
5005\_203 Rev P7 - received 19 Sep 2024  
5005\_400 Rev P8 - received 19 Sep 2024  
5005\_401 Rev P8 - received 19 Sep 2024  
5005\_402 Rev P2 - received 19 Sep 2024  
887- LA-P- 02 REV B - received 19 Sep 2024  
5005\_200 Rev P7 - received 02 Jul 2024  
5005\_201 Rev P8 - received 02 Jul 2024  
5005\_202 Rev P8 - received 02 Jul 2024  
5005\_DAS V1.0.P4 - received 02 Jul 2024  
887- LA-P-01 REV B - received 02 Jul 2024  
5005\_402 Rev P1 - received 14 May 2024  
5005\_102.P1 - received 17 Jul 2023  
5005\_DS01 Design Response Statement - received 17 Jul 2023  
201571 - received 26 Jan 2022  
20157Ea - received 26 Jan 2022  
20157G - received 26 Jan 2022  
20157LSa - received 26 Jan 2022  
5005\_100 Rev P3 - received 26 Jan 2022  
5005\_101 Rev P3 - received 24 Jan 2022

## RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424) Appeal forms can be downloaded from the Planning Inspectorate website at [www.Planning-inspectorate.gov.uk](http://www.Planning-inspectorate.gov.uk)

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.

Further details are available at [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://www.gov.uk/government/collections/casework-dealt-with-by-inquiries)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices.**

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.